

TAM:GMT:all

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

JUKEN WASHINGTON GORDON,	:	
Plaintiff	:	Civil No. 1:CV-01-0331
	:	
v.	:	(Judge Rambo)
	:	
N. Gonzalez, <u>et al.</u> ,	:	
Defendants	:	ELECTRONICALLY FILED

MOTION TO RESCHEDULE PRETRIAL CONFERENCE

Defendants request the Court to reschedule the pretrial conference currently scheduled for June 14, 2004, at 1:30 P.M. In support of this motion, Defendants state as follows:

1. Plaintiff is Juken Washington Gordon, a federal inmate currently incarcerated at the Allenwood Federal Correctional Institution in White Deer, Pennsylvania.

2. On February 21, 2001, Gordon filed this Bivens complaint alleging that on September 9, 2000, while he was incarcerated at the United States Penitentiary in Lewisburg, Pennsylvania, excessive force was used against him and he was placed in a "dry cell" and denied medical care in violation of his constitutional rights.

3. This Court dismissed Gordon's dry cell claim and medical care claim for failure to exhaust administrative remedies. With regard to the claim of excessive force, the Court granted summary judgment in favor of Defendants.

4. Gordon appealed this Court's decision to the United States Court of Appeals for the Third Circuit.

5. On December 12, 2003, the Third Circuit vacated the Judgment of the District Court and remanded the excessive force claim to the District Court.

6. On January 8, 2004, this Court issued a scheduling order, scheduling a pretrial conference for June 14, 2004, at 1:30 P.M.

7. Undersigned counsel has been assigned to this case and is entering his appearance concurrently with the filing of this motion.

8. On June 14, 2004, counsel for Defendants is scheduled to begin a trial before Magistrate Judge Blewitt in the case of Muccione v. United States.

9. Therefore, because counsel for Defendants is scheduled to begin another trial on the date of the pretrial conference, undersigned counsel respectfully requests that the pretrial conference currently scheduled for June 14, 2004 be rescheduled for June 21, 2004, or later.

10. Defense counsel has not sought the concurrence of Plaintiff's counsel because Plaintiff is currently a federal prisoner proceeding *pro se*.

Wherefore, for all of the foregoing reasons, Defendants request this Court to reschedule the pretrial conference currently scheduled for June 14, 2004, to June 21, 2004, or later.

Respectfully submitted,

THOMAS A. MARINO
United States Attorney

s/G. Michael Thiel
G. MICHAEL THIEL
Assistant U.S. Attorney
Atty. I.D. No. PA72926
ANITA L. LIGHTNER
Paralegal Specialist
U.S. Attorney's Office
228 Walnut Street
Post Office Box 11754
Harrisburg, PA 17108-1754
Phone: (570)348-2800
Facsimile: (570)348-2816

Dated: February 2, 2004

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

JUKEN WASHINGTON GORDON,	:	
Plaintiff	:	Civil No. 1:CV-01-0331
	:	
v.	:	(Judge Rambo)
	:	
N. Gonzalez, <u>et al.</u> ,	:	
Defendants	:	ELECTRONICALLY FILED

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion to be competent to serve papers.

That this 2nd day of February 4, 2004, she served a copy of the attached

DEFENDANT'S MOTION TO RESCHEDULE
THE PRETRIAL CONFERENCE

by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Harrisburg, Pennsylvania.

ADDRESSEE:

Juken Wshington Gordon
Reg. No. 05373-088
USP Allenwood
P.O. Box 3000
White Deer, PA 17887

/s Anita L. Lightner
ANITA L. LIGHTNER
Paralegal Specialist